Calendar No. 1982

82D CONGRESS, 2d Session | SENATE | REPORT No. 2058

ABOLISHING THE POSITIONS OF CHIEF CLERK, SUPERINTENDENT, AND DISBURSING CLERK IN THE DEPARTMENT OF COMMERCE

JULY 2 (legislative day, JUNE 27, 1952).—Ordered to be printed

Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce, submitted the following

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REPORT

[To accompany S. 2657]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2657) to amend the act of June 28, 1944 (ch. 294, title III, 58 Stat. 414), and the act of February 14, 1903 (ch. 552, 32 Stat. 825), having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

At the end of the title change the period to a comma and add "and the Act of February 14, 1903 (ch. 552, 32 Stat. 825)".

At the beginning of line 5 after the quotation mark insert the words: "including the Chief Clerk and Superintendent".

Insert a new section reading:

SEC. 2. The language preceding the semicolon in the third sentence of section 2 of the Act of February 14, 1903 (ch. 552, 32 Stat. 825, 826) is amended to read: "There shall also be such clerical assistants as may from time to time be authorized by the Congress."

These amendments are made to make other provisions of law consistent with the purpose of the bill.

PURPOSE AND NEED OF THE LEGISLATION

S. 2657 was introduced at the request of the Secretary of Commerce. The purpose of the bill is to strike from existing law (the Department of Commerce Appropriation Act, 1945, and the act establishing the Department of Commerce and Labor) provisions which are incon-

sistent with the provisions of Reorganization Plan No. 5 of 1950. That is the plan which provided for reorganizations in the Department of Commerce.

The bill would amend the 1945 Appropriation Act by deleting the words which designate the Chief Clerk and Superintendent as the Chief Executive Officer of the Department of Commerce with authority to sign certain minor routine official papers and documents during the absence of the Secretary, the Under Secretary and Assistant Secretary of Commerce, and would amend the act establishing the Department of Commerce and Labor to delete words establishing such position and the position of disbursing clerk. This language is inconsistent with plan 5, which vested authority to perform such functions in the Secretary of Commerce.

Section 1 of Reorganization Plan No. 5 of 1950, which became effective on May 24, 1950, with certain exceptions not here pertinent, transferred to the Secretary of Commerce all functions of all other officers and employees of the Department of Commerce. Section 2 of such reorganization plan provides:

Performance of functions of Secretary.—The Secretary of Commerce may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Commerce of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

The attached letter from the Secretary of Commerce to the President of the Senate states that the interests of good departmental administration require that full authority to organize and control a department be centered in the Secretary and that separate authority to subordinates, such as that which this bill seeks to repeal, should be eliminated in order to avoid conflicts and inconsistencies.

Your committee is informed by the Department of Commerce that if this legislation is enacted the Office of Chief Clerk and Superintendent will be abolished.

The Comptroller General and the Bureau of the Budget have no objection to the legislation.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (matter to be deleted is enclosed in brackets; existing law in which no change is proposed is shown in roman):

THE DEPARTMENT OF COMMERCE APPROPRIATION ACT 1945 (ACT OF JUNE 28, 1944)

OFFICE OF THE SECRETARY

Salaries; For personal services in the District of Columbia, [including the Chief Clerk and Superintendent, who shall be chief executive officer of the Department and who may be designated by the Secretary of Commerce (hereafter in this title referred to as the Secretary) to sign minor routine official papers and documents during the temporary absence of the Secretary, the Under Secretary, and the Assistant Secretary of the Department,] $620,000.

AN ACT TO ESTABLISH THE DEPARTMENT OF COMMERCE AND LABOR (ACT OF FEBRUARY 14, 1903)

* * * * * * *

SEC. 2. That there shall be in said department an Assistant Secretary of Commerce and Labor, to be appointed by the President, who shall receive a salary of $5,000 a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be [one chief clerk and a disbursing clerk and] such [other] clercial assistants as may from time to time be authorized by the Congress;

THE SECRETARY OF COMMERCE,
Washington 25, January 29, 1952.

Hon. ALBEN BARKLEY,
President of the Senate,
United States Senate, Washington, D. C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft of a bill to amend the act of June 28, 1944 (ch. 294, title III, 58 Stat. 414).

This proposed bill would amend the act of June 28, 1944, by deleting words which designate the Chief Clerk and Superintendent as the Chief Executive Officer of the Department of Commerce with authority to sign certain minor routine official papers and documents during the absence of the Secretary, Under Secretary and Assistant Secretary of Commerce.

Enactment of this proposed legislation is requested because the language to be deleted from the act is inconsistent with the provisions of Reorganization Plan 5 of 1950, which places all functions of the Department of Commerce, with certain exceptions, in the Secretary of Commerce, provides for their performance as he deems appropriate, and provides for the appointment by the Secretary of Commerce of an Administrative Assistant Secretary.

The purpose of this reorganization plan was to put into operation the recommendation of the Commission on Organization of the Executive Branch of the Government that the interests of good departmental administration require that full authority to organize and control a department be centered in the Secretary and that separate authority to subordinates, such as found in the act of June 28, 1944, be eliminated in order to avoid conflicts and inconsistencies.

I recommend your early consideration of this legislative proposal and urge its enactment.

We are advised by the Bureau of the Budget that it would interpose no objection to the submission of this proposed legislation. If we can be of further assistance in this matter please call upon us.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

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